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7 **UNITED STATES DISTRICT COURT**  
8 **WESTERN DISTRICT OF WASHINGTON**

9 FRIENDS OF EAST FORK,,  
10

11 Plaintiff,

12 v.

13 J.L. STOREDAHL & SONS, INC.,  
14

15 Defendant.

**Case No. C02-5035JKA**

**Order Granting Plaintiff's  
Request for Award of Attorneys  
Fees**

16 This matter comes before the court on Plaintiff's Motion for Award of Attorney's Fees. The court has  
17 considered all materials submitted in support of and in response to said motion as well as the files and records  
18 herein.

19 Plaintiff seeks attorney's fees as the prevailing party on a motion to enforce Consent Decree entered  
20 by this court on September 16, 2003. It is undisputed that plaintiff is the "prevailing party." Plaintiff's request  
21 for attorney's fees is sought under the "lodestar" theory under which the court would consider the  
22 reasonableness of the time expended and reasonableness of the hourly charge. Defendant challenges neither  
23 in their response. Defendant resists the motion for attorney's fees on the following bases: (1) there is no  
24 statutory or contractual basis for the award of attorneys fees; (2) the Consent Decree did not contain a fee-  
25 shifting provision; and (3) the court has not retained jurisdiction to award attorney's fees under the Clean Water  
26 Act.

27 While it is true that the Consent Decree is silent on the issue of attorney's fees, they are provided under  
28 the Clean Water Act. Defendant's assertion that the court has not retained jurisdiction to award attorney's fees  
under the Clean Water Act is not consistent with Paragraph X of the Consent Decree which specifically  
provides as follows:

1 “ . . .the Court shall retain jurisdiction pursuant to the CWA (Clean Water Act)  
2 over both the subject matter of the Consent Decree and the parties until termination  
3 of this Consent Decree in order to enforce the Consent Decree and to interpret  
4 the rights and obligations of the parties to this Consent Decree. During the pendency  
5 of this Consent Decree, either party may apply to the Court for any relief necessary  
6 to construe and effectuate this Consent Decree.”

7 Neither party has ever attempted to terminate the Consent Decree as provided in paragraph XI of the  
8 document. Accordingly, the court clearly has jurisdiction to determine the issue.

9 **Plaintiff’s Motion for an Award of Attorney’s Fees is granted as prayed for. The total award**  
10 **(including the amount incurred as set forth in plaintiffs’ reply is \$21,305.**

11 March 9, 2008.

12 /s/ J. Kelley Arnold  
13 J. Kelley Arnold, U.S. Magistrate Judge